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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Clark Becker

3073

7625

7590

10/19/2006

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EXAMINER

LE, UYEN CHAU N

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/799,096	<b>Applicant(s)</b> BECKER, CLARK	
	<b>Examiner</b> Uyen-Chau N. Le	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Prelim. Amdt/Amendment***

1. Receipt is acknowledged of the Amendment filed 07/27/2006.

Applicant's arguments with respect to the rejection(s) of claim(s) 18-19 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Boyles et al and Nobakht et al. This Office Action is therefore made Non-Final.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyles et al (US 6934841 B2) in view of Atsmon et al (US 6607136 B1) and Nobakht et al (US 7111051 B2).

Re claim 18: Boyles et al discloses a system for customer-specific communication between a customer and a retail

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establishment, comprising: a) a public internet station, which can be placed in a public library, school or a retail store (i.e., facility providing public access) (col. 1, lines 39+), a reader device 302 for reading a user-identifier presented by a user in a physical embodiment (i.e., smart card 250) (col. 10, lines 47-64); b) database 106 coupled to the reader device 302, the database 106 storing records, in association with a user identifier, containing the following data to the extent provided by the user: name, address, credit card number, digital wallet data, preferred portal and login data for portal (figs. 2-3; col. 6, lines 42-55 and col. 7, lines 35-63); d) means for accessing user information stored in the database 106 and using such information for signing the user up for support services, upon presentment of the physical embodiment 250 of the user identifier to the reader device 302; e) kiosk in the retail store for displaying the internet for the user to view and use (fig. 5; col. 10, line 40 through col. 11, line 35).

Boyles et al is silent with respect to means for accessing the database to open a connection to the user's digital wallet to facilitate payment via the digital wallet account upon presentment of the physical embodiment of the user identifier to the reader device.

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Atsmon et al teaches the use of an electronic wallet to facilitate payment via the digital wallet account (col. 68, lines 52-67).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate the use of an electronic wallet as taught by Atsmon et al into the system of Boyles et al for intended use (i.e., when utilize the internet system in a retail store, which does not provide a free service as in libraries or schools), which would provide the time consumption payment system wherein the user does not have to enter his/her information manually for paying the internet usage.

Boyles et al as modified by Atsmon et al further discloses the server 100 includes bookmarks to the user's favorite or most frequently visited internet sites for the user access to his/her favorite internet site easily (col. 11, lines 45+), but is silent with respect to means, coupled to the kiosk, for accessing the user's preferred portal and login data from the database and for logging the user into the preferred portal, upon presentment of the physical embodiment of the user identifier to the reader device.

Nobakht et al teaches a target URL/preferred portal being retrieved and displayed to the user upon presentment of the physical embodiment (i.e., smart card 232) of the user identifier to the reader device 215 (col. 3, lines 39-57).

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It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate the teachings of Nobakht et al into the system as taught by Boyles et al/Atsmon et al in order to provide the user with a faster service which directs the user to his favorite/target internet sign instantaneously upon login, the user does not have to memorize the URL address or to select from the favorite list, which would take more time.

4. Claims 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyles et al in view of Atsmon et al (US 6607136 B1). The teachings of Boyles et al have been discussed above.

Re claims 19-24: Boyles et al has been discussed above but is silent with respect to a database records storing loyalty point data and means for allowing user to acquire loyalty points by interacting with specified content via use of the Internet at the kiosk; the database stores information regarding a user's triggers for presenting alerts to the user in association with the user identifier, further comprising: g) means for triggering alerts to the user when the user presents the physical embodiment of their user identifier; the means for accessing and using user information for signing the user up for support services includes means to set up an e-wallet upon presentment of said physical embodiment of the user identifier, populating data fields using stored identifying

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information; means for accessing and using user information for signing the user up for support services includes means for setting up an email account upon presentment of the physical embodiment of a user identifier, using stored identifying information; respectively.

Atsmon et al teaches an account database 211e for storing user's account information and an incentive points database for storing points data; wherein the user can earn points can earn points online, for example, by purchasing goods from an online merchant, clicking on advertisements, filling out registrations and surveys, and performing various other activities of interest to merchants, advertisers and other companies (fig. 21; col. 59, line 59 through col. 60, line 10 and col. 98, lines 48-56). Atsmon et al further discloses the use of an electronic wallet (col. 68, lines 52-67); different number of beeps to alert to the user the state of operation of the electronic card; an email application being launched to the user (col. 18, line 62 through col. 19, line 12).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate the loyalty incentive program of Atsmon et al into the system as taught by Boyles et al for increasing business traffic to third party internet sites which attracts more users to visit other business sites via advertising links for earning points, thereby possibly resulting in purchasing goods from those sites.

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Furthermore, such modification would provide the time consumption payment system wherein the user does not have to enter his/her information manually for paying the Internet usage and/or goods purchases.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 18-19 have been considered but are moot in view of the new ground(s) of rejection.

Newly cited references to Boyles et al and Nobakht et al have been used in the new ground of rejections to further meet the limitation of the claimed invention.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Takagawa et al (US 5987612 A); Heintz et al (US 20010025253 A1); Saito (JP 2003208410 A); Boyles et al (US 6738901 B1); Levy et al (US 20040091111 A1); ROH (KR 2005052949 A); Boyles et al (US 6934841 B2) are cited as of interest and illustrate a similar structure to a speed pass system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N.

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Le whose telephone number is 571-272-2397. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Uyen-Chau N. Le  
Primary Examiner  
Art Unit 2876

October 11, 2006